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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,686	08/25/2003	Sharidan Lorraine Stiles	STILES.IC1CP1	3777

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,686

Applicant(s)

STILES, SHARIDAN LORRAINE

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-12, 15 and 20-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 10-12, 15 and 20-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/27/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☒ Other: Appendix A, B, and C.

### **DETAILED ACTION**

1. In view of the appeal brief filed on 07 April 2006, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-12, 15, 20, and 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "said first longitudinal portion" on lines 13-14.

There is insufficient antecedent basis for this limitation in the claim.

In regards to line 5 of claim 20, the phrase "a generally arcuate handle having means for improving manipulation" is unclear. As written, the claim requires an arcuate handle with an additional structure for improving manipulation, this is not correct. From

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the specification and the Figures it is the arcs that improve the manipulation. Therefore the phrase should be re-written along the lines of "a handle having means for improving manipulation" or "a handle having an arcs for improving manipulation".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7, 8, 10, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Heller (4,700,477). See Appendix A for examiner added reference numerals.

Claims 1, 7, 8, and 21:

In regards to claim 1, Heller discloses the same invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion (14) having a razor blade with a straight cutting edge attached to the upper portion (16), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the first and third axes form a control angle that is less than 90° (103), and the head portion has a width of less than one inch (Column 2 lines 27-30).

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In regards to claim 7, Heller discloses the lower longitudinal portion comprises a first curved shape (102a), the middle longitudinal portion comprises a second curved shape (101a), and the first and second curved shapes form an ergonomically grip (Fig. 2).

In regards to claim 8, Heller discloses a glide surface area (18 and 34) and a blade area (22), and the glide surface area is larger than the blade area (Fig. 3).

In regards to claim 21, Heller discloses the head portion has a width of less than  $\frac{1}{4}$  inch (Column 2 lines 27-30).

Claims 10 and 23:

In regards to claim 10, Heller discloses the same invention including an ergonomically shaped handle portion (10), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14 and 16), the head portion is less than  $\frac{1}{2}$  inch wide (Column 2 lines 27-30), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a first curved shape (102a), a middle longitudinal portion of a second curved shaped attached lengthwise to the lower longitudinal portion (101a), and a waist portion is formed between the first and second curved shape (101).

In regards to claim 23, Heller discloses the head portion has a width of less than  $\frac{1}{4}$  inch (Column 2 lines 27-30).

6. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Carreker (4,461,078). See Appendix B for examiner added reference numerals.

Carreker discloses the same invention including a handle portion having lower (11), middle (12), and upper longitudinal portions (100), a head portion (20) having a razor blade with a straight cutting edge (21) attached to the upper longitudinal portion (Fig. 3), the cutting edge is substantially perpendicular to a longitudinal axis of the handle (21 and B), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the first and third axes form a control angle that is capable of being greater than 90° (Axis A and B form an angle greater than 90°. When portion 11 is in the fully extended position, axis C is parallel with axis B and would then form a control angle greater than 90°. Since specifics about the position of these axes are not featured in the claims any axis from each of the portion can be considered the claimed axes), and the head portion has a width less than one inch ( $w_1$ ).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Heinrich (2,139,680). Heller discloses the invention

but fails to disclose a replaceable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a replaceable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with a replaceable pivoting head portion, as taught by Heinrich, to allow the user to be able to easily remove/discard the head portion and keep the handle.

9. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Carreker. Heller discloses the invention but fails to disclose a second razor blade mounted substantially parallel to the razor blade. Carreker teaches that it is old and well known for miniature grooming shaving heads to incorporate a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with a second blade, as taught by Carreker, to provide the user with a larger cutting surface.

10. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attaway (D371,221) in view of Heller. See Appendix C for examiner added reference numerals. Attaway discloses the invention including a handle portion having lower (1), middle (2), and upper longitudinal portions (3), a head portion (4) having a razor blade with a straight cutting edge (5) attached to the upper portion (Fig. 3), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (5 and B), the lower longitudinal portion extends along a first axis (C), the middle longitudinal

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portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the first and third axes form a control angle that is less than 90° (Axis A and C form an angle of 0° which is an angle and is clearly less than 90°), and a length of the upper longitudinal portion is greater than the width of the head portion (Fig. 1).

However, Attaway remains silent and therefore fails to disclose the head portion has a width of less than one inch.

Heller teaches that it is old and well known in the art of eyebrow shaving to incorporate a head portion with a width of less than one inch (Column 2 lines 27-30). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Attaway with a head portion width of less than 1 inch, as taught by Heller, to provide the user with a more efficient shaving head.

11. Claims 20, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Heller, or Carreker, or Smith or Heinrich and White, U.S. Patent 4,719,063, or Holley, U.S. Patent 6,049,936, or Brody, U.S. Patent 4,523,781, or Beebe, U.S. Patent 4,283,808, and/or Gaide, U.S. Patent 2,367,571, or Lovasz, U.S. Patent 2,743,732, or Bosy et al., U.S. patent 6,598,303.

Hollinger discloses the same invention substantially including a generally arcuate handle with means (the curved upper end) for improved manipulation. Hollinger discloses the use of a razor blade with a straight cutting edge, which is substantially perpendicular to a longitudinal axis of the handle as shown in the attached Figure. Hollinger has a cutting edge, which is just as substantially perpendicular as applicant's device. It should be noted that the instant claims do not define what portion of the



cutting edge is perpendicular to a longitudinal axis of the handle nor is the longitudinal axis of the handle defined. Hollinger lacks the shaving head being less than or equal to three-eighths/one-fourth of an inch wide; and the width of at least a portion of the handle being substantially larger than the width of the shaving head.

Heller et al. discloses that it is old and well known in the art to incorporate a head portion with a width of less than one-fourth inch (Column 2 lines 27-30) for the purpose of providing an improved razor with an enhanced cutting ability of specific small areas of the body. Furthermore, Heller, Smith and Heinrich all disclose that it is old and well known in the art to use razor blades of reduced size such less than or equal to  $\frac{1}{2}$  inch and some with non-straight handles for the purpose of provided an improved razor with an enhanced cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a reduced head portion with razor blades with sizes of less than or equal to  $\frac{1}{2}$  an inch with the safety razor of Hollinger in order to provide an enhanced cutting razor for specific grooming, as taught by Heller, Carreker, Smith, and Heinrich.

White, Holley, Brody Beebe and Bosy et al. all disclose that it is old and well known in the art to use larger handles for existing smaller handles of manually gripped utensils/tools for the purpose of facilitating gripping of the tool/utensil by people with insufficient manual dexterity, for example, someone with arthritis. Moreover, Gaide discloses that it is old and well known in the art to use razors with handle portions that are larger than the combined width of a blade (11) and head portion (19/10) for the purpose of facilitating storage of extra blades. Likewise, Lovasi discloses that it is old

and well known in the art to use razors with handle portions that are larger than the combined width of a blade and head portion (A) for the purpose of facilitating storage of a shaving aid.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a handle portion larger than the blade/head portion of a razor in order to facilitate storage of extra razor blades and shaving aids. Even if it is argued that the modified device of Heinrich lacks the specific width of the razor handle being twice as wide of the combined width, it would have been an obvious matter of design choice to make the handle width twice as wide as the combined width for the purpose of facilitating storage and removal of multiple blades and/or sufficient amounts of shaving aid to reduce frequent refills as well as for facilitating a user's ability to grip the handle depending upon a user's hand size and/or dexterity, because such a modification would have involved a mere change in the size of a component.

With regard to claim 26, please see paragraph 12 of this Office action. The explanation from paragraph 12 is incorporated into this rejection.

12. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller. Heller discloses the invention but fails to disclose a head portion that is equal to or less than 1/8 inch wide. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion 1/8 inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only

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routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem.

One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claims 22 and 24.

13. Claims 27 and 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carreker in view of Heller. Carreker discloses the invention but fails to disclose a head portion that is equal to or less than 1/4 inch and 1/8 inch wide. Heller et al. discloses that it is old and well known in the art to incorporate a head portion with a width of less than one-fourth inch (Column 2 lines 27-30) for the purpose of providing an improved razor with an enhanced cutting ability of specific small areas of the body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion 1/8 inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held

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that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Carreker to obtain the invention as specified in claims 27 and 28.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-8, 10-12, 15, and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sampson, Del Re, Lawrence, Stiles ('568), Stiles ('104), and Stiles ('640).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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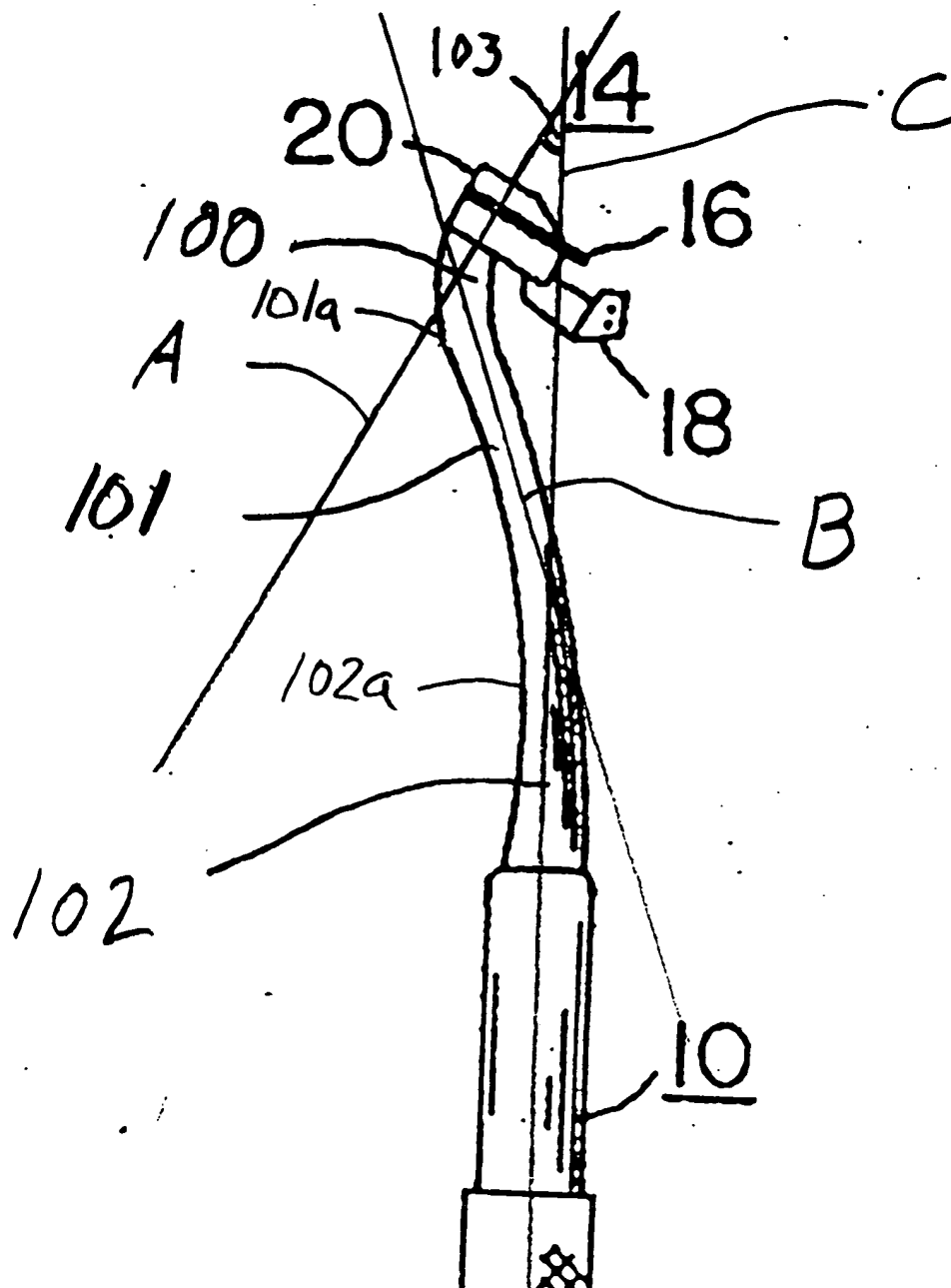
20 June 2006



BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER

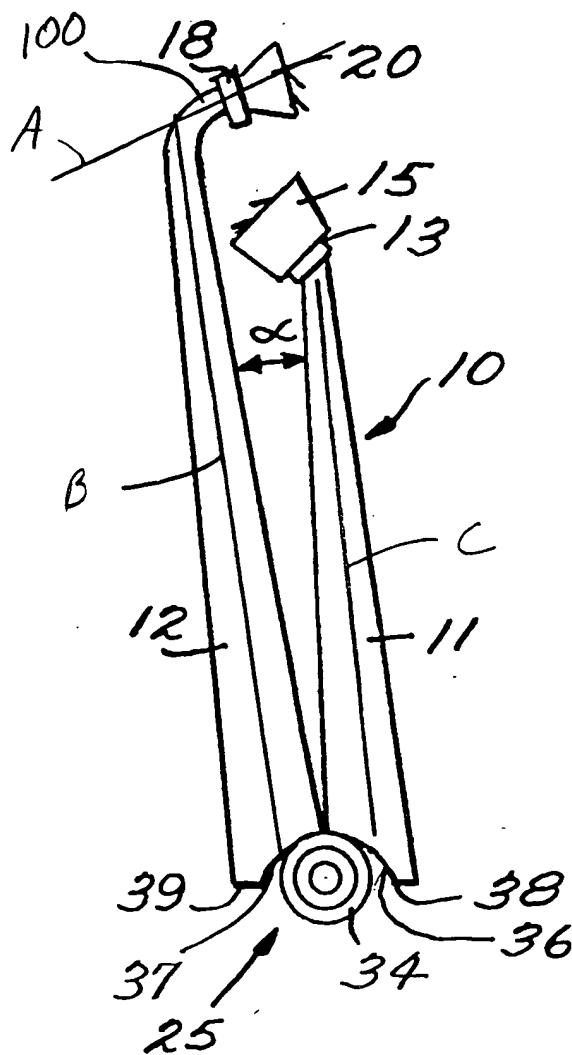
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Appendix A

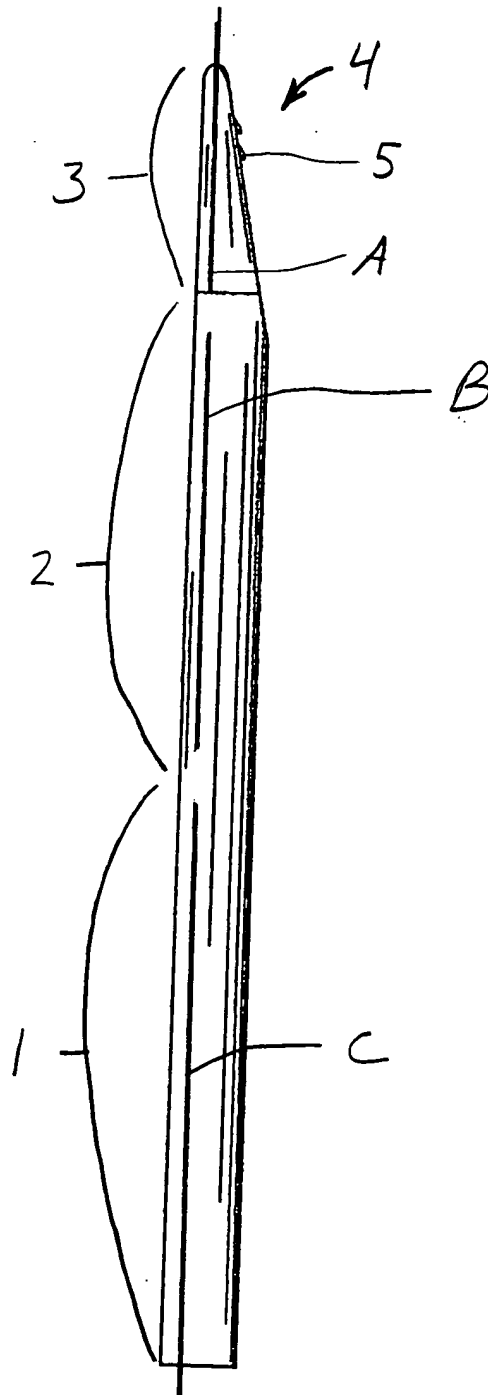


Appendix B

*Fig. 3.*



*Appendix C*



**FIG. 3**